
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CARLOS VELASQUEZ,

Plaintiff,

v.

STATE OF UTAH, ET AL.,

Defendants.

**MEMORANDUM DECISION AND
ORDER DENYING MOTION
TO PROCEED IN FORMA PAUPERIS
ON APPEAL**

Case No. 2:20-CV-205-DAK

Judge Dale A. Kimball

This matter is before the court on Plaintiff's motion for leave to proceed *in forma pauperis* on appeal [ECF No. 32] pursuant to Rule 24 of the Federal Rules of Appellate Procedure. Plaintiff proceeded *in forma pauperis* at the district court level.

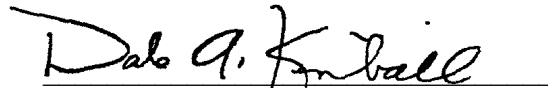
Rule 24 provides that "a party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless: (A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith . . . and states in writing its reasons for the certification." Fed. R. App. P. 24(a)(3)(A).

The court certifies that Plaintiff's current appeal is not taken in good faith. Plaintiff failed to plead plausible causes of action against Defendants. Despite filing a lengthy Complaint, Plaintiff's allegations were vague and difficult to decipher. Moreover, his claims were barred by claim preclusion. Therefore, his appeal lacks merit and his motion to appeal *in forma pauperis* [ECF No. 147] is DENIED. Pursuant to Federal Rule of Appellate Procedure 24(a)(4), the Clerk

of Court shall immediately notify the Tenth Circuit Court of Appeals of this denial. Plaintiff should either pay the appellate filing fee or file a motion in the Tenth Circuit Court of Appeals to proceed *in forma pauperis* pursuant to Rule 24(a)(5) of the Federal Rules of Appellate Procedure.

DATED this 1st day of February, 2021.

BY THE COURT:


DALE A. KIMBALL
United States District Judge